

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION**

Minutes of

May 24, 2005

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville General Sessions Judicial Complex in Metro Center. The Commissioners present were Vice-Chair Sammye Woods and Commissioners Ray Dayal, Gladys Lozada, Holly Sharp, and James Utley (5). Also attending were Metro Legal advisor Jason Bergeron; Commission staff members Larry Ennis, Walter Lawhorn and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Vice-Chair Sammye Woods called the meeting to order and asked Director McQuiston to lead the Pledge of Allegiance.

The minutes of the April 26, 2005 meeting were unanimously approved.

TAXICAB COMPANY REPORT

Mr. Roy Gillespie, owner of Diamond Taxi, appeared before the Commission. **Vice-Chair Sammye Woods** asked him to report on the status of his permits. Mr. Gillespie stated that he had fifteen taxicabs insured. Ms. Steelman verified this number. **Vice-Chair Sammye Woods** asked if all vehicles had been inspected. Mr. Lawhorn stated that ten had been inspected to date, and that Mr. Gillespie understood that the remaining vehicles were to be presented for inspection within the following week. **Vice-Chair Sammye Woods** noted that Diamond Taxi had met the requirement for a minimum of fifteen permits; therefore, no further action by the Commission was required.

TAXI DRIVER PERMIT

DAAHIR A. CASEER: Mr. Caseer appeared before the Commission with counsel Mac Robinson, Jr. Director McQuiston informed the Commission that Mr. Caseer's permit had been voided by the director in October 2002, because he had failed to disclose a May 2002 drug-related conviction on his application. The Commission had upheld the staff action in July 2003. Director McQuiston stated that the conviction had been overturned on appeal, and the indictment had been dismissed on April 27, 2005. Mr. Caseer had reapplied for a taxi permit on May 6, 2005. Director McQuiston reported that he had completed the application process, and met all the requirements of the ordinance for issuance of a permit. **Vice-Chair Sammye Woods** asked about Mr. Caseer's current immigration status. Mr. Caseer responded that he has asylee status. Director McQuiston explained that the ICE currently accepts and recognizes asylees and refugees as authorized for employment. **Vice-Chair Sammye Woods** asked for which company he would be working. Mr. Caseer stated that he intended to work at Allied Cab. Mrs. Juanita Young stated that Allied Cab would accept him as a driver. After some discussion about the illegal substance *khat*, which had resulted in the original drug charge, **Commissioner Holly Sharp** moved to approve Mr. Caseer's application for a permit. **Commissioner James Utley** seconded, and the motion was unanimously approved (4-0).

PUBLIC HEARING – ACCESSIBLE TAXICABS

Director McQuiston reported that, following the direction of the Commission at the April 26 meeting, he had contacted the ADA office at General Services and the Metropolitan Transportation Authority to assure their support and assistance in the inspection of ADA-accessible taxicabs. He confirmed that both offices had offered inspection support, and had participated in a coordinated draft rule for the Commission's consideration. He noted that the draft rule had also been coordinated with Mr. Bergeron at Metro Legal; with the head of the Accessible Transportation Alliance, an advocacy organization with a long history of involvement with the issue; and with Mr. Johnny White, co-owner of American Music City Taxi, who had initiated the proposal. **Vice-Chair Sammye Woods** asked if the ADA-accessible taxicabs could be used for passengers who do not use wheelchairs. Director McQuiston stated that they could. **Vice-Chair Sammye Woods** called the public hearing to order.

Ms. Wylene Jones, co-owner of American Music City Taxi, appeared before the Commission. She stated that Mr. White had contacted a company that retrofits vans for ADA-accessibility. A representative from this company had stated that they could also perform the required inspections. Director McQuiston stated that MTA had agreed to perform the annual inspections, including a vehicle mechanical safety inspection and an inspection of the special equipment required for ADA compliance, for a charge of \$65. To ensure flexibility for the future, MTA had asked that the Commission rule not specify that MTA would perform these inspections, because it is possible that they could be performed by another independent agency or company in the future. He voiced concern that it would be inappropriate to accept an inspection from the same company that installed the equipment. **Vice-Chair Sammye Woods** stated that this would present a conflict of interest; that any company performing inspections would have to be approved by MTA to do so.

Inspector Lawhorn expressed concern about the 400,000-mile limit for ADA-accessible taxis in the draft rule, and its potential safety implications. After some discussion, **Vice-Chair Sammye Woods** asked if there was any other public comment on the proposed rule. There was none, and the public comment portion of the public hearing was closed. **Commissioner Holly Sharp** asked Inspector Lawhorn for a recommendation on an upper mileage limit; he responded that he would not recommend any more than 325,000 miles. **Commissioner Holly Sharp** then moved that an amended rule be approved, as follows:

ADA-ACCESSIBLE TAXICABS AND WAIVERS

- a. Vehicles identified as ADA-Accessible Taxicabs must meet the “Accessibility Specifications for Transportation Vehicles (Part 38)[Code of Federal Regulations][Title 49, Volume 1, Parts 1 to 99][Revised as of October 1, 1997].”
- b. Vehicles identified as ADA-Accessible Taxicabs must pass an annual inspection, as directed by the Commission. This inspection will include a mechanical inspection of the vehicle as well as an inspection of the lift/ramp system and secure systems for the lift/ramp and the wheelchair, as appropriate. A copy of the inspection report must be filed with the Commission.
- c. Drivers operating ADA-Accessible Taxicabs must successfully complete a training program, as directed by the Commission.
- d. The year model of a vehicle placed in service for the first time as an ADA-Accessible Taxicab shall not be older than eight (8) years. Any ADA-Accessible Taxicab, not over eight (8) years of age, may be moved from one taxicab company to another, as long as all other requirements are met, including passing re-inspection.
- e. The following additional requirements apply to an ADA-Accessible Taxicab seeking a waiver from the nine-year age restriction contained in Metropolitan Code of Law 6.72.245:
 - i. the vehicle must be in service as an ADA-Accessible Taxicab at the time of the application;
 - ii. the vehicle owner must file the waiver request annually no later than July 1;
 - iii. the vehicle must not have more than three hundred twenty-five thousand (325,000) miles on the odometer;
 - iv. the vehicle must not have been in service as a taxicab for more than five years.
 - v. no vehicle shall be granted more than three waivers.

Commissioner Ray Dayal seconded. Following discussion, the motion was approved unanimously (4-0). **Vice-Chair Sammye Woods** closed the public hearing.

OTHER BUSINESS

DISCUSSION ON TAXICAB RATES: **Vice-Chair Sammye Woods** asked Director McQuiston to update the Commission on recent and impending changes affecting taxicab expenses. Director McQuiston stated that Airport Authority staff had recently notified him that airport policy changes drafted in late 2004 were expected to become effective July 1, 2005. Specific changes would include an increase in the per-trip fee charged to the taxi companies, from \$1.25 to \$1.50; and the implementation of a new requirement for taxi companies to have a \$1.5 million comprehensive automobile liability insurance policy. He noted that taxicab company owners had notified the Commission of the airport’s proposed policy changes at the February 22, 2005 meeting, but that the Airport Authority had delayed a decision on implementation. Director McQuiston also noted that

some cities had begun authorizing fuel surcharges for taxicabs.

Vice-Chair Sammye Woods stated that Nashville’s rates were already in the top 5-10 percent of the nation.

Director McQuiston stated that there were a variety of options available for addressing the increased expenses, but that the costs to meet the airport’s new insurance requirements had not yet been quantified.

Mr. Bill Young, owner of Allied, Nashville, and Kennedy Cab companies, stated that he believed the insurance requirement in the airport policy would not be an issue. He recommended that the Commission approve an increase in the meter activation rate for the airport, from \$3.00 to \$4.50.

Mr. Doug Trimble, manager of Yellow Cab, stated that the Commission had approved meter rate increases in 2000; but that there had not been any action to recoup the per-trip fees charged by the airport. **Vice-Chair Sammye Woods** stated that the increases authorized in 2000 had taken these into account.

Inspector Lawhorn expressed concern about applying two different meter activation rates. He stated this could likely result in overcharges by drivers.

Director McQuiston noted that this item was on the agenda for discussion only, and was not part of the public hearing. He stated that he would continue to work with airport staff and company owners to provide specific recommendations to the Commission that would take into account all current and anticipated costs. **Vice-Chair Sammye Woods** asked him to continue this analysis, and to report to the Commission within the next 60 days.

COMMISSION SCHEDULE

Vice-Chair Sammye Woods reminded the Commissioners that the June 28, 2005 meeting would be the annual public hearing on emergency wrecker zones. She asked Director McQuiston if there had been any requests received to date for zone changes. He responded that there had been none, but that the map had been re-done since last year’s meeting.

There being no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Cynthia M. Odle
Chair